

**Amarappa Vs. the Assistant Commissioner and anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/389000](http://sooperkanoon.com/389000)

**Court :** Karnataka

**Decided On :** Nov-22-2006

**Reported in :** ILR2007KAR191; 2007(1)KLJ671; 2007(1)AIRKar611

**Judge :** B.S. Patil, J.

**Appeal No. :** Writ Petition No. 16460/2006

**Appellant :** Amarappa

**Respondent :** The Assistant Commissioner and anr.

**Advocate for Def. :** H.M. Manjunath, GP for Respondent No. 1

**Advocate for Pet/Ap. :** Hanumantha Reddy Sahukar, Adv.

**Disposition :** Petition dismissed

**Judgement :**

ORDER

**B.S. Patil, J.**

1. Learned Government Pleader is directed to take notice for the respondents.

Petitioner is challenging the notice dated 03.11.2006 issued by the Assistant Commissioner, Koppal Sub Division, Koppal, notifying the date of meeting of the Grama Panchayat convened for the purpose of considering the no confidence

motion. The meeting is fixed on 29.11.2005 at 11 a.m. in the premises of the Grama Panchayat. The impugned notice is issued by the Assistant Commissioner upon a requisition submitted in this regard by the requisite number of members of the Grama Panchayat expressing their no confidence in the petitioner as Adhyaksha of the Grama Panchayat and requesting the authority to convene the meeting.

2. Learned Counsel for the petitioner contends that the members have executed a bond in Rs. 50 stamp paper stating that they will not support any no confidence motion against the petitioner. Contrary to the said assurance given, the members are moving the no confidence motion which is illegal. Counsel further submits that 15 days clear notice of the meeting is not given to the petitioner. Both these contentions are untenable in law and on the facts. Petitioner cannot enforce the alleged bond stated to have been executed by the members of the Grama Panchayat assuring that they will not move any no confidence motion against the petitioner. This is against the spirit of the democratic process and the statutory rights conferred. Petitioner cannot take the help of such an assurance allegedly made by the members of the Grama Panchayat and estop them from exercising their statutory rights.

3. The second contention urged stating that 15 days clear notice is not given by the Assistant Commissioner while convening the meeting of the Grama Panchayat and fixing it on 29.11.2006 is concerned, it has to be stated that the petitioner has not produced any material to show as to when the said notice dated 09.11.2006 was served on him. In the absence of any proof to show that the notice was served on him on a particular day, it is not possible for this Court to agree with the contention of the petitioner that he was not given 15 days clear notice.

The petition therefore being devoid of merits is dismissed.

Government Pleader is permitted to file memo of appearance within six weeks.

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